

THE RICHMOND DAILY REGISTER

Established 1865 — 57th Year — No. 147

Richmond, Madison County, Ky Friday, June 23, 1922

Price Five Cents

STATE PROHIBITION LAW IS SUSTAINED

Judge Goodloe Can Now Try
Mat Lakes, Says Appellate
Court in Upholding Act

(By Associated Press)
Frankfort, Ky., June 23—The Court of Appeals today held the Rash-Gullion prohibition law constitutional.

The Court reversed the Stamp murder case from Jefferson county. The Court reversed the case because the Jefferson Circuit Court Judge refused to vacate the bench after the defense asserted he was biased. It also held that Stamp should be granted a change of venue.

In the case from Fayette county, the Court of Appeals today held the Sheriff and other fee officials are limited to the fees of \$5,000 annually.

Important Cases Decided

(By Associated Press)
Frankfort, Ky., June 23—Several cases of vital importance to individuals and to the state at large remained undecided before the Court of Appeals, with the spring term of that body coming to an end today, and the summer vacation of two months starting. Besides these, however, the court has approximately 1,000 cases involving disputes between individuals or appeals from criminal sentences that have not been decided, many of them not even having been given over by the members of the Court.

The more important cases, from the public viewpoint, before the Court, some of which were decided today, were:

Lakes vs. Commonwealth, from Madison, involving the constitutionality of the Rash-Gullion prohibition act.

Stamp vs. Commonwealth from Jefferson county, involving the questions of whether or not it is mandatory for a judge to vacate the bench when affidavits of bias are made and of whether or not public sentiment as created by newspaper articles may be a cause for reversing a death sentence.

Perkins vs. John M. Lucas, sheriff and others, from Franklin county, involving the constitutionality of the Smith-Minor General Registration laws.

Fayette County vs. Rainey T. Wells, chairman of the State Tax Commission, and others, involving the right of the State Tax Commission to reassess property in counties.

Workmen's Compensation Board vs. United States Coal and Coke Co., from Harlan county, involving construction of the Workmen's Compensation Act.

Bingham's Executor vs. Commonwealth, from Jefferson, involving an inheritance tax of nearly four million dollars on the estate of Mrs. Lily Flager Bingham.

Bingham's Executor vs. Commonwealth, from Jefferson, involving ad valorem taxes on the estate of Mrs. Bingham.

There are numerous other cases of more or less importance, but the foregoing are the most important from the point of public interest.

The "Matt Lakes Case" as it is commonly known, was a suit for a writ of prohibition to prevent the county judge of Madison county trying Matt Lakes on a charge of violating the prohibition act passed by the 1922 General Assembly. This act gives Justices of the Peace and County Judges concurrent jurisdiction with Circuit Courts in which cases arising when the Circuit Court is not in session. Lakes was arrested in Madison county and his attorney's sought a writ of prohibition and in the petition attacked the constitutionality of the law on the ground that it violates a section of the state constitution providing that when one court is vested with a certain power it must be granted to all. It is alleged that magistrates and county judges in counties having circuit courts of continuous session, such as Jefferson, Fayette, Campbell and Kenton, are not granted the power to try such cases.

The Stamp case was one in which Walter E. Stamp was charged in Louisville with killing W. Smith Russell a year ago. The circuit judge refused to vacate the bench after affidavits alleging bias had been filed. This,

together with newspaper article featuring the crime and carried from day to day for several weeks before the trial, was alleged by attorneys for Stamp in asking for a reversal of the verdict of the jury sentencing him to death.

The suit of Fayette county against the State Tax Commission was submitted to the court last week and grew out of an order of the State Tax Commission that the county be reassessed because the Board of Supervisors had failed to meet an order increasing the assessment. The commission won its contention, in part, in the lower court and the county appealed. A cross petition was filed by the commission.

The Perkins case is an injunction case and may be decided informally. Judge Robert L. Stout of the Franklin Circuit Court, decided that the Smith-Minor General Registration Law was constitutional and refused Mr. Perkins an injunction preventing the Franklin county officials from preparing for the registration on July 10 and 11 until the constitutionality of the act is decided. Mr. Perkins, through his attorneys, raised a number of questions of constitutionality. This case is in the hands of Chief Justice Hurt and a decision is expected soon, although officially the spring term of court ends today.

The Bingham inheritance tax case was argued orally before the court recently. A decision is not expected in the case for months, as the case involves some important points of law and the record and briefs fill several bound volumes.

The Workmen's Compensation Board case involves the construction of the law as it relates to payment for injuries. The board contends that it can order payment of the full sum allowed by law for total disability for any number of weeks up to 335 and then, if the injured person partly recovered, can direct a payment for partial disability. The company being sued claims that where partial disability finally results, all payments should be made on the basis of partial disability and at no time should there be payments for total disability unless the total disability exceeds 335 weeks. The question of the right of a circuit court to fix attorney's fees and order a lump sum settlement when those questions have not been considered by the Board also is involved. Members of the Board say that more than 100 cases in which settlements have been ordered are being held up and that hundreds of others, still in course of settlement, are being delayed pending decision on this case.

When the court will hand a decision in any case cannot be known. No advance information is ever given out as to the exact time when opinions will be rendered or what these opinions will be.

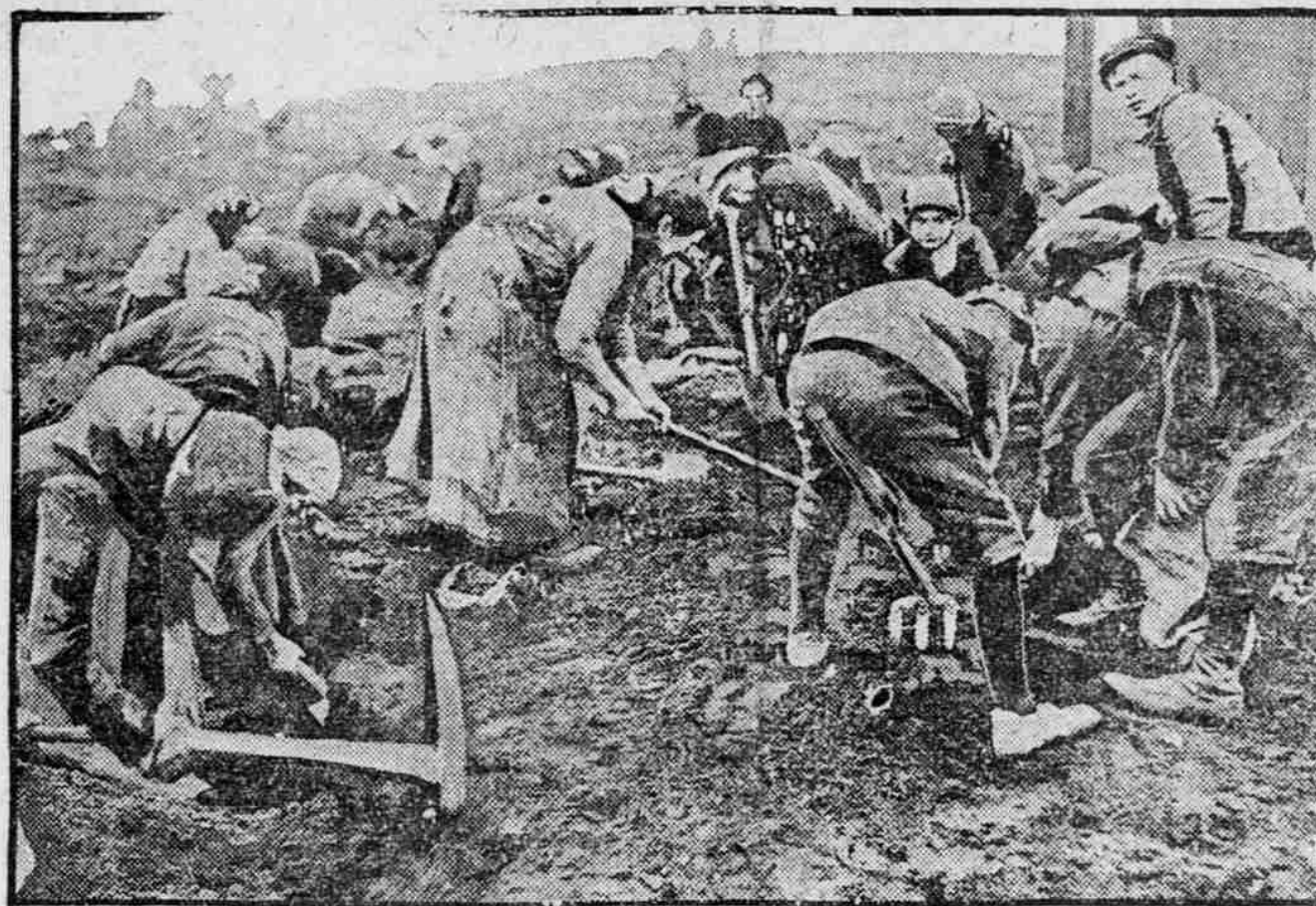
It is regarded as probable, however, that opinions in some of the cases mentioned in this story will be handed down today, owing to the public questions involved. In the Perkins case no opinion is likely, according to attorneys in the case, until a day or two after the court is formally adjourned, the judges remaining here long enough to decide the case.

The congestion of the docket of the Court of Appeals is laid by judges and attorneys to the fact that there are only seven judges and one commissioner to handle the cases. At the last session of the General Assembly a second commissioner was provided in a bill that passed both houses. It was vetoed by Gov. Morrow, however, on the ground that it was unconstitutional.

LONDON POLICE HUNT ASSASSINS

(By Associated Press)
London, Eng., June 23—Police investigating the assassination of Field Marshal Wilson discovered documents, according to Central News today, disclosing a conspiracy to kill a number of prominent persons and conduct a campaign of assassinations. Fifteen men and one woman were arrested in raids here last night in connection with the assassination. James O'Brien and James Connolly, both former soldiers, arrested directly after the shooting, were arraigned in court today on a charge of murder.

Germany Has Its Coal Troubles, Too



Heaps of coal discarded because of poor quality in more affluent days are now being reclaimed in Germany because of the coal shortage. If the present coal strike in America endures similar scenes may be reenacted here next fall.

INVESTIGATION STARTS IN ILLINOIS MINE RIOT

In Which Many Persons Were
Killed—All Quiet At Herrin
—No Troops Needed Yet

(By Associated Press)

Herrin, Ill., June 23—Official investigation of the mine war in which from 20 to 45 persons were killed near here, was begun today in response to insistent demands of Governor Small for action by local authorities.

Coroner McGowan announced an inquest would be held immediately. He also states that Attorney Doty stated that a special grand jury would be convened to investigate the massacre.

Leaders said today the killings resulted from actions of the mob which got beyond control of the cooler element, which attempted to escort the captives to Herrin to show them off to the boys. Leaders said they were finally compelled to yield to the clamors of the mob that the prisoners "beat it." The fleeing men thereupon were shot down, beaten to death and one is known to have been hanged. A number of miners today said "the victims got what they deserved." Herrin is comparatively quiet today.

Illinois National Guard Ready To Move

(By Associated Press)
Springfield, Ill., June 23—Adj. Gen. Black announced today that mobilization of Illinois National Guard companies at six points was practically completed. The men are ready to move on three hours notice. He said he was notified during the forenoon that everything was quiet at Herrin.

Labor Secretary Says Guilty Parties Should Be Prosecuted

(By Associated Press)
Washington, June 23—Secretary of Labor Davis, after consultation with President Harding today, declared those responsible for the Southern Illinois mine disorders should be prosecuted to the fullest extent of the law.

Springfield, Ill., June 23—President John Walker, of the Illinois Federation of Labor, issued a statement today, blaming the "forces of greed that profited so shamelessly during the war" for the Herrin mine riot.

Officers Say Troops Not Needed

(By Associated Press)
Waukegan, Ill., June 23—Both Sol. Hunter, of the Adjutant General's staff, and Sheriff Thaxton today wired Governor Small there is no need for troops in the mine trouble at this time.

GOMPERS RE-ELECTED LABOR LEADER

(By Associated Press)
Cincinnati, June 23—Samuel Gompers was re-elected president of the American Federation of Labor for the 41st time at the federation's convention here today. He had no opposition.

Wu Ting Fang Dead
Shanghai, June 23—Wu Ting Fang, former Chinese minister to Washington, died at Canton today, according to a Reuter dispatch. No details were given.

WOMAN HELD FOR SMUGGLING PISTOL

In To Lawrence Piercy In Jail—
Will Be Brought Here For
Trial Thursday

News has been received by local officials that a woman who is suspected of having smuggled in a pistol to Lawrence Piercy in the Madison county jail here, has been arrested at Lexington and placed under \$500 bond to appear in county court here Thursday. The woman is said to be a Mrs. Paul and she is said to have been identified by Deputy Jailor George Rogers as a woman who visited Piercy here several weeks ago, and while conversing with him through the bars slipped a revolver out of her bosom and to him. Several prisoners are said to have seen the woman give Piercy the revolver. Later, when it was "tipped off" to Jailor Rogers Piercy gave the revolver to Lakes, who was just being released. Lakes took it home with him but later turned it over to the authorities.

Ever since then officers have been endeavoring to identify the woman and cause her arrest. They say that the offense of helping a prisoner escape is a felony, but as the prisoner did not escape in this instance, the penalty would be a fine not exceeding \$500. However, it is argued that the woman can be held on a charge of carrying concealed a deadly weapon and receive a stiff penalty on that charge, if nothing else.

Piercy, as is well known, is in jail here awaiting action of the Court of Appeals from the 15-year sentence given him in the Madison circuit court on a charge of abducting, assaulting and attempting to assassinate P. W. Wells on the night of December 24 last.

SECOND CLAYHOLE TRIAL STARTS MONDAY

(By Associated Press)

Catlettsburg, Ky., June 23—Summons for thirty veniremen were given to Sheriff Clark today who was ordered to gather them in by Monday, when the second Clayhole murder and conspiracy trial is scheduled to open.

The first trial finished yesterday, resulted in a verdict of guilty and sentencing Leslie Combs and George Allen, Jr. to prison for 15 years, and French and Shade Combs to five years. All are in jail hoping for quick action by the Court of Appeals which will be asked to review the case.

Cantrill To Have Opposition

(By Associated Press)
Lexington, Ky., June 23—R. E. L. Murphy, Lexington attorney and former service man, has filed notice with the Secretary of State that he will be a candidate for the Democratic nomination for Congress in the Seventh district, to oppose Congressman J. Campbell Cantrill. Congressman Cantrill defeated Murphy two years ago in the primary.

No more highway contracts in Kentucky will be let to firms until they file statements of their financial rating.

\$660,000 SETTLEMENT OFFERED COL. HANGER

By New York Governor's Commission Which Figured On
Big Subway Contract

When war was declared by the United States against Germany in 1917, the Mason & Hanger Company, of this city, was engaged in a very large contract for the city of New York in which thousands of skilled and unskilled laborers were daily employed in constructing the subway in the Brooklyn township or borough.

On the declaration of war the price of all labor and materials of all kinds began to advance rapidly and Mason & Hanger Co. at once notified the city of New York that because of the increases caused by the war it was released from the execution of the contract, as the new conditions arose, under the old English common law where such conditions are styled acts of "God or the public enemy." The city of New York immediately notified Mason & Hanger Co. that "war or no war" it desired the subway built and finished as soon as possible and that it would pay to Mason & Hanger Co. all increases of labor and materials caused by the war.

A new contract to that effect was entered into between the city of New York and Mason & Hanger Co. and the company continued the subway work during the war. The work was in charge of Col. John J. Watts, who is one of the best contractors of the Mason & Hanger Co. The work was finished and accepted by the city of New York and then negotiations for a settlement began between New York City and Mason & Hanger Co. before commissioners of national reputation, appointed by the governor of New York and not by the mayor. These commissioners have spent over a year examining every receipt and item of disbursement made by Mason & Hanger Co. under the new or amended contract.

On last Friday, June 16, Col. H. B. Hanger wrote a letter to J. A. Sullivan here that the city of New York had notified him that it would soon pay to Mason & Hanger Co. the sum of \$660,000 if it would accept it as full and final settlement. While the sum includes all increases for labor material in cost caused by the war with Germany, yet it does not include the profits of the contract since the declaration of war, though it has paid for all labor on a pre-war basis and also the profits of the contract made before declaration of war, yet it is understood the directors of the Mason & Hanger Company may decide to accept the offer of \$660,000 and end the controversy.

On last Saturday Col. H. B. Hanger, accompanied by his daughter, Miss Elizabeth, and his niece, Miss Willa Belle Hamilton, of Staunton, Va., sailed on S. S. Majestic for a trip to Europe. He will return in October.

WILL be glad to have your order for Fay stockings. Mrs. O. C. Templeman, telephone 924.

The Weather

Fair and warmer tonight and Saturday.

Friday's Livestock Markets

Cincinnati, June 23—Hogs 10c lower; \$11; Chicago lower; calves 10 1-2c; good cattle steady; lambs look steady.

Louisville, June 23—Cattle 25c slow and unchanged; hogs 1500, 5c lower, tops \$10.80; sheep 7, 300, active and unchanged.

CONTRACT LET FOR BRIDGE IN MADISON

Contract for a bridge in Madison county was let by the State Highway Department at Frankfort to Thomas & Co. for the sum of \$2,938.

Right of way disputes and failure of fiscal courts to finish their end of work on state and federal aid highways caused bids on two road projects and three bridges to be held up by the commission when the letting ended Wednesday night by failure of several contractors to file financial statements, was resumed when another bridge bid was rejected because it was found necessary to relocate it. The rejected bid was for a bridge over Tigert's creek on the Midland trail in Carter county. Engineers for the department in going over the work found by changing the location a short distance approximately \$10,000 could be saved, it is said.

The Vermillion Construction Co., Barbourville, was awarded 5.5 miles of drain and grade work on the London-Mt. Vernon road in Laurel county for \$20,410.12. E. A. Wilson & Co., Knoxville, Tenn. bid \$16,974 for this project but failed to establish their financial rating and ability to do the work to the satisfaction of the commission.

Building of 4.17 miles of waterbound macadam road in Estill county on the Irvine-Richmond road, was awarded to the Conley Construction Co. of Somerset.

The letting of the contract for the \$100,000 bridge over Lewis fork of the Big Sandy at Pikeville was delayed because the Pike county fiscal court has not deposited the money for the bridge. The bridge is to be built with \$50,000 donated by the county and \$50,000 which the county owes the state for convict labor.

GET NEW TRIALS ON CHICKEN CHARGE

Dewey and Dillard Todd, negroes, who were recently granted a new trial by the Court of Appeals on appeal from the Madison circuit court, have been brought back from Frankfort where they had started their sentences of four years on conviction for chicken stealing.

These boys were sent to the prison pending their appeal and have served several months. The reversal of the court of appeals is said to have been on technical grounds, and the two defendants will be given a new trial. They were represented by Attorney R. C. Oldham.

BAPTIST LADIES ARE APPRECIATIVE

Every individual member of the Serving Circle of the First Baptist church wishes to express her appreciation of the good work done by their many friends the church members and the stores of Richmond. Everybody has been more than kind, and we want all to know that we appreciate the very least thing that was done to help win the grand prize to be given by the Co-operative Selling and Advertising Campaign, which closed at noon Wednesday, June 21st.

The winner of the first grand prize has not yet been announced, and will probably not be announced until Wednesday of next week. It is certain, however, that the Serving Circle will get some kind of a prize and all are waiting and eager to hear that they have won the first grand prize, a \$1600 Studebaker car.

MRS. RAY W. HARMAN, Pres. Serving Circle First Baptist Church.

PRISON SENTENCES FOR CLAYHOLE MEN

First Trials Result in Convictions
For Manslaughter in Election
Fight

Catlettsburg, Ky., June 23—French Combs, Shade Combs, Geo. Allen, Jr., and Leslie Combs for defendants in the first of the Clayhole murder and conspiracy trials, were found guilty of voluntary manslaughter under the third provision of the instructions of Judge W. C. Halbert, of the Boyd circuit court, here at 5:45 o'clock Thursday afternoon, after deliberating seven and one-half hours.

French and Shade Combs were sentenced to five years each in penitentiary, while George Allen Jr., and Leslie Combs each were sentenced to fifteen years.

The heavier sentence, jurors interviewed after they were discharged said, was based on the fact that George Allen Jr. in their belief, started the gun fight at the Clayhole election precinct, in which four men were killed and 17 others wounded, and that Leslie Combs fired the first shot.

French Combs and Shade Combs were given lighter sentences in consideration that they were directly associated with the manslaughter provision under which the sentence was returned, but were accessories to the killing.

BLUE LICK WINS FROM PAINT LICK

At the Paint Lick ball park Thursday Paint Lick lost to the Blue Lick Hustlers in a one-sided contest. The Hustlers seemed to have their hitting habits on driving Lackey from the rubber in the fifth inning. He was replaced by Beasley, who couldn't stop the onslaught.

Paint Lick started off in the third collecting three hits for 2 runs. The Hustlers came thru in the fourth with timely smashes, annexing three more tallies, and added two more in the fifth, two in the seventh and three in the ninth. Paint Lick failed to score any more until the ninth when Bowman, trying to pitch with a wet ball which weighed about a pound, was rather wild and allowed Paint Lick to cross the plate four times. The feature of the game was the hitting of Harrison for the Hustlers. He gathered four hits and a walk in five times up. Score by innings: Hustlers 011 320 203—12 Paint Lick 002 100 004—27

Batteries for Paint Lick: Lackey, Beasley and Clark; Hustlers: Bowman and Kinnard. Umpires Abner and Duerson. Time of game 1:45. Attendance 200.

The Hustlers play White's Station Saturday at Johnson's park. Waco Sunday. Both games called at 3 o'clock.

COMBS HITS HARD IN ANOTHER GAME

Earl Combs continued his bombardment for Louisville in the game against Minneapolis Thursday. The Richmond youngster seems to have given new pep to the Colonels since Manager McCarthy put him into the line-up regularly. He got two hits out of four time up Thursday, one a double and the other a single. He had two putouts and no errors. The Courier-Journal said he was easily the star of the game. Both Louisville papers said he would have gotten a third hit but for a very peculiar play. The Herald describes it this way:

Berghammer's shoe deprived Combs of a third hit. The inning was the seventh. Acosta began by singling to right. Balenger, in trying to sacrifice, forced Acosta. Combs then batted a vicious bouncer near the second bag. The ball struck Marty on the shoe and bounced directly into the hands of Boone for a force of Balenger. Kirke then made it unanimous by forcing Combs.

Haas made a neat running catch of Combs' short fly in the fifth. Rogers served the youngster with a slow ball.